

***City of York Board of Zoning Appeals***  
***Minutes***  
***July 13, 2020***  
***\*\*\*Virtual Meeting\*\*\****

**Members Present:**

Chairperson James Ramere  
Strauss Shiple  
Rodney Blair  
Bryant Brown  
Cheryl Sige  
Jill Neff

**Members absent:**

Becca Caldwell

**Others present:**

Planning Director Breakfield  
Zoning Administrator Blackston  
Public Information Officer Fritz

Chairperson James Ramere called the meeting to order at 3:12 pm, and indicated that the meeting was being held with a portion of the members in-person and the remainder present virtually and verbally polled the individual Board members to confirm attendance and stated the following:

1. Due to the COVID-19 pandemic, York City Council adopted an emergency ordinance allowing meetings to be conducted exclusively through the use of electronic, computer-based medium.
2. The City has chosen to conduct the meeting through the use of GoToMeeting while streaming on Facebook Live.
3. The willingness of everyone to adapt to this new environment and adjust to the new format is greatly appreciated.
4. Each Board member must individually vote by voice on each Motion (yay or nay).
5. Any Board member that wishes to abstain from a vote must state the reason for such abstention.
6. Each person should be identified before speaking.
7. For the Board members present virtually, each person should mute microphone unless speaking.
8. To ensure that each public hearing is conducted fairly, the City has chosen to receive feedback from the public and the applicant in the following manner through 10:00 am today (no live feedback will be allowed during the public hearing):
  - Email
  - Voicemail
  - US mail
  - Hand delivery

**The first item of business** was approval of the draft Minutes from the June 8, 2020 meeting. Upon a Motion by James Ramere, seconded by Rodney Blair, the Board unanimously approved the Minutes as submitted.

**The second item of business** was a special exception application to add an additional lot (Lot 237) to the previously-approved Phase 3 of Austen Lakes Subdivision.

Planning Director Breakfield indicated the following regarding the application:

1. The property is located in the R5- Multifamily Residential zoning district; in a R5 district, single-family dwellings are allowed only by special exception approval. As with any special exception application, the Planning Commission must review the application and then render a recommendation to the Board of Zoning Appeals. The Board of Zoning Appeals must then hold a public hearing to consider the application and render a final decision on the matter. The Board of Zoning Appeals public hearing is being conducted at this time.
2. On June 29, 2020, the Planning Commission reviewed and conditionally approved the plan for the proposed project based on the open space access areas being identified with signage and being maintained to ensure accessibility. With the noted conditions, the Commission found that the application met criteria for issuing special exception approval. Such criteria included:
  - The proposed design and location of the particular development.
  - The possible traffic-generating characteristics of the proposed development.
  - The availability of public utilities, facilities and services.
  - The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
3. The application and supporting documentation, including the proposed plat, were included in your packet.
4. As you review the special exception application, please be mindful of the previously-mentioned review criteria that were included in your meeting packet.
5. The BZA has a maximum of 75 days from this meeting to render a decision regarding this application; otherwise, the application is deemed approved.
6. If a special exception application is denied by the BZA, the application cannot be presented again for a period of 12 months.
7. As noted earlier by Chairperson Ramere, to ensure that each public hearing is conducted fairly, the City has chosen to receive feedback from the public and the applicant in the following manner through 10 am today (no live feedback from the public or the applicant will be allowed during the public hearing):
  - Email
  - Voicemail
  - US mail
  - Hand delivery
8. Pursuant to the stated process, the applicant has submitted the attached statement that was read into the record.

9. The City did not receive any feedback from the public regarding this application.

After discussion and upon a Motion by Strauss Shiple, seconded by Rodney Blair, the Board found that the special exception criteria was met and conditionally approved the application based on the open space access areas being identified with signage and being maintained to ensure accessibility.

**The third item of business** was a special exception application for the 62-lot, single family dwelling, Phase 5 portion of Austen Lakes Subdivision located off of West Liberty Street and referenced by Tax Map Id # 0700101071.

Planning Director Breakfield indicated the following regarding the application:

1. The property is located in the R5- Multifamily Residential zoning district; in a R5 district, single-family dwellings are allowed only by special exception approval. As with any special exception application, the Planning Commission must review the application and then render a recommendation to the Board of Zoning Appeals. The Board of Zoning Appeals will then hold a public hearing to consider the application and render a final decision on the matter. The Board of Zoning Appeals public hearing is being conducted at this time.
2. On May 26, 2020, the Planning Commission reviewed a proposed plan and then asked the applicant to revise and resubmit the drawing with decreased housing density, quality open space that included amenities as well as more dense bufferyards in specified areas and higher-quality architectural standards for the homes.
3. On June 29, 2020, the Planning Commission reviewed and then unanimously, conditionally recommended approval of the revised plan for the proposed project based on additional trees being added to the buffer between Cotton Bloom Court and the new Phase. The Planning Commission noted that the proposed housing density was decreased, quality open space amenities were provided and higher quality architectural standards for the homes were included. With the noted condition regarding buffers, the Board found that the application met criteria for issuing special exception approval. Such criteria include:
  - The proposed design and location of the particular development.
  - The possible traffic-generating characteristics of the proposed development.
  - The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
  - The availability of public utilities, facilities and services.
4. The application and supporting documentation were included in the meeting packet.
5. As you review the special exception application, please be mindful of the previously-mentioned review criteria that were included in the meeting packet.
6. The BZA has a maximum of 75 days from this meeting to render a decision regarding this application; otherwise, the application is deemed approved.

7. If a special exception application is denied by the BZA, the application cannot be presented again for a period of 12 months.
8. As noted earlier by Chairperson Ramere, to ensure that each public hearing is conducted fairly, the City has chosen to receive feedback from the public and the applicant in the following manner through 10 am today (no live public or applicant feedback will be allowed during the public hearing):
  - Email
  - Voicemail
  - US mail
  - Hand delivery
9. Pursuant to the stated process, the applicant has submitted the attached statement that was read into the record.
10. The City did not receive any feedback from the public regarding this application.

After discussion and upon a Motion by Cheryl Sige, seconded by Bryant Brown, the Board conditionally approved the application based on the noted buffers being added.

There being no further business, the meeting was adjourned at 3:45 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP  
Planning Director

cc: City Manager Seth Duncan  
File- Board of Zoning Appeals 7/13/2020